

REMARKS

Reconsideration and allowance of the subject application in view of the following remarks is respectfully requested.

Claims 1-3 and 5-32 remain pending in the application.

Claims 1, 2, 3 and 7-10 are rejected under 35 USC 103(a) as being unpatentable over Lowe et al. in view of McLaughlin et al. (U.S. 6,243,007). Applicant respectfully traverses this rejection.

This combination is improper for the following reasons. First, Lowe et al. teaches that the transponder receive an interrogation signal in order to transmit the distance that the vehicle has traveled. Although McLaughlin et al. teaches periodically sending a signal, Lowe et al. teaches away from McLaughlin et al. Thus, the ordinary artisan would not make this combination. Second, the Examiner has not pointed to any specific suggestion in either of the references for making this combination. The fact that both references have sensors is irrelevant and is not a suggestion. Accordingly, this rejection should be withdrawn.

Claim 5 is rejected under 35 USC 103(a) as being unpatentable over Lowe et al. in view of McLaughlin et al. and further in view of Huang (U.S. 6,175,302). Applicant respectfully traverses this rejection.

Huang does not overcome the deficiencies discussed above with respect to Lowe et al. and McLaughlin et al. Because Claim 5 is dependent on claim 1, claim 5 should be allowable for the reasons discussed above with respect to claim 1 as well as on its own merits. Accordingly this rejection should be withdrawn.

Claim 6 is rejected under 35 USC 103(a) as being unpatentable over Lowe et al. and McLaughlin et al. and further in view of Miller et al. (U.S. 4,694,295). Applicant respectfully traverses this rejection.

Miller et al. does not overcome the deficiencies discussed above with respect to Lowe et al. and McLaughlin et al. Because Claim 6 is dependent on claim 1, claim 6 should be allowable for the reasons discussed above with respect to claim 1 as well as on its own merits. Accordingly this rejection should be withdrawn.

Claims 11, 12, 15-18 and 21-32 are rejected under 35 USC 103(a) as being unpatentable over Lowe et al. and McLaughlin et al. and further in view of Davis et al. (U.S. 5,177,685).

Applicant respectfully traverses this rejection.

This combination is improper for the following reasons. First, Lowe et al. teaches that the transponder receive an interrogation signal in order to transmit the distance that the vehicle has traveled. Although McLaughlin et al. teaches periodically sending a signal, Lowe et al. teaches away from McLaughlin et al. Thus, the ordinary artisan would not make this combination. Second, the Examiner has not pointed to any specific suggestion in either of the references for making this combination. The fact that both references have sensors is irrelevant and is not a suggestion. Accordingly, this rejection should be withdrawn.

Claims 13 is rejected under 35 USC 103(a) as being unpatentable over Lowe et al. in view of McLaughlin et al. and further in view of Huang. Applicant respectfully traverses this rejection.

Huang does not overcome the deficiencies discussed above with respect to Lowe et al. and McLaughlin et al. Because claim 5 is dependent on claim 1, claim 5 should be allowable for the reasons discussed above with respect to claim 1 as well as on its own merits. Accordingly this rejection should be withdrawn.

Claim 14 is rejected under 35 USC 103(a) as being unpatentable over Lowe et al. and McLaughlin et al. and further in view of Miller et al. Applicant respectfully traverses this rejection.

Miller et al. does not overcome the deficiencies discussed above with respect to Lowe et al. and McLaughlin et al. Because claim 6 is dependent on claim 1, claim 6 should be allowable for the reasons discussed above with respect to claim 1 as well as on its own merits. Accordingly this rejection should be withdrawn

Claim 19 is rejected under 35 USC 103(a) as being unpatentable over Lowe et al. in view of Davis et al. and McLaughlin et al. and further in view of Maples (U.S. 4,833,281). Applicant respectfully traverses this rejection.

Claim 19 should be patentable for the reasons discussed above with respect to claim 11 as well as on its own merits. Accordingly the rejection should be withdrawn.

Claim 20 is rejected under 35 USC 103(a) as being unpatentable over Lowe et al. in view of Davis et al., McLaughlin et al. and further in view of Maples and Miller et al. Applicant respectfully traverses this rejection.

Claim 20 should be patentable for the reasons discussed above with respect to claim 11 as

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well as on its own merits. Accordingly the rejection should be withdrawn.

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN GILMAN & BERNER, LLP

A handwritten signature in black ink, reading "Kenneth M. Berner". The signature is written in a cursive, flowing style.

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